

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LARRY RICE, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:06-CV-817 CEJ
)	
FRANK VAN STIPDONK, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on the motion of defendants Frank van Stipdonk, Vonk Dairy Products, B.V, and Interfood Holding, B.V., to dismiss for insufficient service of process.

The defendants are citizens of the Netherlands. Plaintiff first attempted to serve the defendants by registered or certified mail sent by the Circuit Court of Franklin County, Missouri, prior to removal of this action to this Court. Following removal, the above-named defendants moved to dismiss for insufficiency of service under the Hague Convention. The Clerk of Court subsequently issued to plaintiff summonses that would comply with the Hague Convention. However, plaintiff has not filed proof of service to date.

Additionally, the record does not reflect service of process upon or entry of appearance on behalf of the remaining defendants, Tepco, Lactoformulas S.A. de C.V., Interfood Ingredients, Interfood Australia, and Interfood Latin America. Plaintiff alleges that these defendants are foreign entities with principal places of business in countries other than the United States.

Under the Hague Convention, to which the United States and the Netherlands are signatories, service by registered mail on a foreign defendant is insufficient. Bankston v. Toyota Motor Corp., 889 F.2d 172, 174 (8th Cir. 1989). Consequently, plaintiff's attempt to serve the defendants in this manner was ineffective. The fact that plaintiff obtained summonses suggests that he intended to accomplish service pursuant to the Hague Convention. However, the record does not reflect that he completed this process. Indeed, the record does not indicate whether or how service was obtained on any defendant. Before considering the motion to dismiss the case, the Court will direct plaintiff to prove that he has served process on the defendants in the manner required by law.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall file proof of service on the defendants not later than **February 20, 2007**. Plaintiff is advised that this action may be dismissed as to any defendant for whom proof of service is not filed.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 9th day of February, 2007.